

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed September 2, 2005. Upon entry of the amendments in this response, claims 13 – 27 are pending. In particular, Applicants have amended claims 13 and 23. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Rejections Under 35 U.S.C. §103

The Office Action indicates that claims 13, 15, 16, 17 and 20 -22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Christopher* in view of *Nguyen*. The Office Action also indicates that claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Christopher* in view of *Nguyen* in view of *Clafin*, and that claims 18 and 19 stand rejected over *Christopher* in view of *Nguyen* and in view of Applicant Admitted Prior Art (*AAPA*). The Office Action further indicates that claims 23, 24 – 25 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Christopher* in view of *Nguyen* in view of *Brachman*, and that claim 26 stands rejected over *Christopher* in view of *Nguyen* in view of *Brachman* in view of *Clafin*. Applicants respectfully traverse the rejections.

With respect to *Christopher*, *Christopher* generally relates to a printer that is reconfigurable based upon a specifically disclosed process. In particular, *Christopher* teaches:

For example, the user may select download formats 271 if he wishes new format information to be downloaded to the labeler 30. When the user selects such an optional function is determined by the microprocessor 74 at block 274, the microprocessor determines at block 276 whether the selected function is enabled in the on-line table 270. If the selected function is not enabled, the microprocessor 74 returns to block 272. If, however, the selected function is enabled, the microprocessor 74 at block 278 reads the address identified in the on-line enable table 270 for the selected function into the scratch pad portion of RAM 204 and thereafter exits the subroutine at block 280. It is noted that the on-line subtable 270 may also be used with the

scanner operation (5) wherein data is transferred to the labeler 30 via a scanning wand or the like.

In order to reconfigure the labeler 30, the microprocessor 74 is coupled to the host computer 212 through the RS 232 interface 252. A user then enters on the keyboard 72 the key sequence for the gun configuration operation (1) discussed above. In response to the key sequence associated with the gun configuration operation (1) before the initial handshake, the labeler 30 at block 284 (FIG. 11) determines whether the correct password has been entered on the keyboard 72 of the labeler 30 and if not the labeler 230 exits the gun configuring routine at block 286. If the correct password has been entered into the labeler 30, the microprocessor 74 causes a "WAITING" message to be shown on the display 65. Thereafter, the microprocessor 74 and the host computer 212 perform an initial handshake operation.

(*Christopher*, col. 9, line 53 to col. 10, line 16). (Emphasis Added).

As set forth above, *Christopher* does not teach or reasonably suggest to “automatically establish a communication link in response to a user attempting to use the second feature when the second feature is disabled,” as recited in claim 13. Specifically, in accordance with *Christopher*, the user initiates the procedure for reconfiguring. With respect to claim 23, *Christopher* also does not teach or reasonably suggest to “determine whether the user is attempting to operate the second feature when the second feature is disabled and while the first feature is enabled” and “automatically establish a communication link with a remote server in response to determining that the user attempted to use the second feature when the second feature was disabled.” Thus, *Christopher* is deficient in at least these respects.

Additionally, *Christopher* teaches:

A printer having a number of optional features or operations is reconfigurable by software alone. The printer includes an EPROM that stores the software routines defining all of the optional operations of the printer. An EEPROM stores a jump table identifying each optional operation software routine as enabled or disabled. The information stored in the jump table for each enabled routine identifies the location at which the routine is stored in the EPROM; whereas, the information stored for each disabled routine includes a disable flag. The printer includes an interface which allows a new jump table to be downloaded from a personal computer into the EEPROM of the printer to enable disabled routines, to disable enabled routines, and to replace disabled routines by downloading a new routine into a RAM to thereby reconfigure the printer. A master jump table and sub-jump tables are provided to increase the efficiency of the reconfiguring operation. Further, ***several checks are***

implemented by the printer and the personal computer during the reconfiguration operation to insure that only the correct printer is reconfigured and that information is stored at the proper location in the printer.

(Christopher, Abstract). (Emphasis Added).

The aforementioned passage of *Christopher* appears to be the only teaching of that reference that involves checking of information. However, this checking is only implemented during the reconfiguration operation and clearly is not used to determine whether reconfiguration should take place. This is in direct contrast to the features recited in Applicants' claims as will be described in detail below.

In this regard, Applicants have amended claim 13 to recite:

13. A features tracking system comprising:
 - a device having:
 - a first feature and a second feature, the first feature being enabled, the second feature exhibiting at least a first mode and a second mode of operation, in the first mode, the functionality of the second feature being disabled and, in the second mode, the functionality of the second feature being enabled, the device being further configured to receive an instruction capable of switching the mode of the second feature;
 - programmable logic corresponding to at least the second feature;
 - a first nonvolatile memory element containing the programmable logic;
 - and
 - a second nonvolatile memory element configured to contain information exhibiting the mode in which the second feature is operating;
 - wherein the device is operative to:***
 - enable a user to operate the first feature despite the second feature being disabled;***
 - automatically establish a communication link in response to a user attempting to use the second feature when the second feature is disabled and while the first feature is enabled;***
 - communicate, via the communication link, information corresponding to an intended use of the second feature by the user; and***
 - receive instructions, via the communication link, such that the second feature is enabled.***

(Emphasis Added).

Applicant respectfully asserts that the references, either individually or in combination, are deficient for the purpose of rendering claim 13 unpatentable. In particular, Applicant respectfully asserts that *Christopher* does not teach or reasonably suggest at least

the features/limitations emphasized above in claim 13. In this regard, the Office Action appears to indicate that the teaching of *Christopher* relating to an auto-reconfiguration process that takes place upon start-up somehow corresponds to the “automatically establish a communication link” limitation in Applicants’ claim 13. However, in order to do so, it appears that due consideration has not been afforded the clear and unambiguous language recited in that claim pertaining to the “automatically establish a communication link” limitation. That is, claim 13 further recites that the link is automatically established “in response to a user attempting to use the second feature when the second feature is disabled.” Clearly, this cannot correspond to a reconfigure operation that takes place at start-up, because such a teaching does not involve doing anything “in response to a user attempting to use the second feature when the second feature is disabled.” However, in order to advance prosecution, Applicants have amended claim 13 to further recite “automatically establish a communication link in response to a user attempting to use the second feature when the second feature is disabled and while the first feature is enabled,” thereby clearly indicating that such a feature may not be involved with a start-up process. That is, if the first feature is enabled, the device must be operating. None of the other references teaches or reasonably suggest this feature either for the purpose of remedying the noted shortcomings of *Christopher*. Therefore, Applicant respectfully asserts that claim 13 is in condition for allowance.

Since claims 14 - 22 are dependent claims that incorporate all the features/limitations of claim 13, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 23, that claim recites:

23. A features tracking system comprising:
a device having a first feature and a second feature, the first feature being enabled, the second feature being selectively enabled or disabled;
the device being operative to:
enable a user to operate the first feature while the second feature is disabled;
determine whether the user is attempting to operate the second feature when the second feature is disabled and while the first feature is enabled;
automatically establish a communication link with a remote server in response to determining that the user attempted to use the second feature when the second feature was disabled and while the first feature is enabled;
communicate to the remote server, via the communication link, information corresponding to an attempted use of the second feature by the user; and
receive instructions, via the communication link, such that the second feature is enabled.

(Emphasis Added).

Applicant respectfully asserts that the references, either individually or in combination, are deficient for the purpose of rendering claim 13 unpatentable. In particular, Applicant respectfully asserts that *Christopher* does not teach or reasonably suggest at least the features/limitations emphasized above in claim 13. In this regard, the Office Action appears to indicate that the teaching of *Christopher* relating to an auto-reconfiguration process that takes place upon start-up somehow corresponds to the “automatically establish a communication link” limitation in Applicants’ claim 13. However, in order to do so, it appears that due consideration has not been afforded the clear and unambiguous language recited in that claim pertaining to the “automatically establish a communication link” limitation. That is, claim 13 further recites that the link is automatically established “in response to a user attempting to use the second feature when the second feature is disabled.” Clearly, this cannot correspond to a reconfigure operation that takes place at start-up, because such a teaching does not involve doing anything “in response to a user attempting to use the second feature when the second feature is disabled.” However, in order to advance

prosecution, Applicants have amended claim 13 to further recite “automatically establish a communication link with a remote server in response to determining that the user attempted to use the second feature when the second feature was disabled and while the first feature is enabled,” thereby clearly indicating that such a feature may not be involved with a start-up process. That is, if the first feature is enabled, the device must be operating. None of the other references teaches or reasonably suggest this feature either for the purpose of remedying the noted shortcomings of *Christopher*. Therefore, Applicant respectfully asserts that claim 13 is in condition for allowance.

Since claims 14 - 22 are dependent claims that incorporate all the features/limitations of claim 13, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.



CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

M. Paul Qualey, Jr.; Reg. No. 43,024

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 11/7/05.

Stephanie Riley
Signature